

Shall an ordinance entitled “2010 Amendments to the Site Plan Review Ordinance” be enacted?

The Town of Harpswell Site Plan Review Ordinance shall be amended as follows (deletions are ~~struck-out~~ additions are underlined):

13.2. Application Submission and Review Procedures

• • •

13.2.2. The Municipal Office shall, at the applicant's expense, give written notice to the applicant, by first class mail, of the date, time, and place of the meeting at which the application will be considered, and to all property owners within five-hundred (500) feet of the parcel on which the proposed development is located. The Municipal Office must also give written notice to the applicable Fire Chief and the Road Commissioner. Failure of any property owner, the Fire Chief, or the Road Commissioner to receive the notice sent as required under this subsection shall not necessitate another public meeting or invalidate any action taken by the Planning Board. The Planning Board shall also cause notice of the date, time and place of the meeting at which the application will first be considered to be published in a newspaper of general circulation in the Town at least seven (7) days prior to the meeting.

• • •

SECTION 15. APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for Site Plan Review and shall serve as minimum requirements for approval of the application. The application shall not be approved unless the Planning Board determines that the applicant has met all of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met. ~~Appeals from the Planning Board's decision must be made in accordance with the Basic Land Use Ordinance's administrative provisions.~~

• • •

SECTION 16. POST APPROVAL ACTIVITIES

• • •

16.4. Minor ~~Changes~~ Amendments to Approved Plans or Activities Requiring Site Plan Approval

Minor ~~changes~~ amendments in approved site plans or activities identified in Section 3 of this Ordinance that were in existence at the time of first adoption of this Ordinance may be approved by ~~the~~ a Staff Review Committee consisting of the Code Enforcement Officer, Town Planner, and Chair of the Planning Board or his/her designee, provided that any such ~~change~~ amendment does not affect compliance with the Site Plan Review Ordinance approval standards or alter the essential nature of the ~~proposal~~ original site plan or activity. The Town Planner shall serve as the Chair of the Staff Review Committee. Amendments to approved site plans for structures of less than one thousand (1,000) square feet shall be reviewed by the Staff Review Committee rather than the Planning Board, except that the Staff Review Committee may refer any such proposed amendments to the Planning Board if it determines that the proposed amendment affects compliance with the Site Plan Review Ordinance approval standards or alters the essential nature of the original site plan. The Staff Review Committee shall cause notice of the date, time and place of the meeting at which the minor amendment will first be considered to be published in a newspaper of general circulation in the Town at least seven (7) days prior to the meeting and written notice of said meeting to be mailed to all property owners within five hundred (500) feet of the parcel at least seven (7) days prior to the meeting. Approval by the Staff Review Committee shall require the affirmative vote of at least two members of the Committee. The applicant may request a continuation of the Staff Review Committee's consideration if only two members are present. The Code Enforcement Officer Town Planner shall provide written notice to the Planning Board and all property owners within five hundred (500) feet of the development of the fact that a minor amendment to the site plan has been approved. The minor amendment shall not become effective until forty (40) days after the date the Code Enforcement Officer provides such written notice to the Planning Board and all property owners within five hundred (500) feet of the development; during that forty (40) day time period, the Planning Board may elect to exercise jurisdiction over the proposed amendment and require that the applicant submit a formal application for an amendment to an approved site plan for review and approval by the Planning Board and, in such event, the proposed amendment shall not become effective unless and until approved by the Planning Board. Any change amendment approved by the Code Enforcement Officer Staff Review Committee pursuant to this subsection must be endorsed in writing on the approved plan by the Code Enforcement Officer Staff Review Committee. Failure of any property owner to receive the notice sent required under this subsection does not invalidate any action taken by the Code Enforcement Officer Staff Review Committee.

16.5. Amendments to Approved Plans

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor ~~changes that do not affect approval standards~~ amendments as set forth in Section 16.4 of this Ordinance, is subject to prior review and approval by the Planning Board.

• • •

SECTION 17. APPEALS

Appeals of any action taken by the Planning Board under this Ordinance shall be to the Board of Appeals in accordance with the Basic Land Use Ordinance's administrative provisions. Action taken by the Staff Review Committee under this Ordinance may be appealed, in writing, to the Planning Board by the applicant or an aggrieved party within fifteen (15) days of final action by the Staff Review Committee; provided, however, that any action by the Staff Review Committee to refer a matter to the Planning Board shall not be appealable. The Planning Board shall hear and decide any appeal on a *de novo* basis.